

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAUL ANGEL SOTO VALENCIA,

Plaintiff,

v.

No. 24-cv-743 SMD/GBW

SANTA ROSE GCCF,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Raul Angel Soto Valencia's failure to cure deficiencies as directed. Plaintiff was incarcerated when the case was filed and is proceeding *pro se*. Plaintiff initiated the case by filing a Pleading Regarding Civil Rights Claims. (Doc. 1). On July 19, 2024, the Clerk's Office mailed Plaintiff a blank § 1983 complaint and application to proceed *in forma pauperis*. Plaintiff did not return the forms. By an Order to Cure Deficiency ("Order") entered May 22, 2025, the Court directed Plaintiff to file a complaint on the § 1983 form, and to either prepay the \$405 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* within thirty days. (Doc. 4); *see also* 28 U.S.C. § 1915(a)(2) (providing that all prisoner-plaintiffs who do not prepay the filing fee must file an *in forma pauperis* motion and a certified copy of a six-month inmate account statement). The Order warns that the failure to timely comply with both directives may result in dismissal of this case without further notice.

The deadline to file a complaint on the § 1983 form and address the civil filing fee requirement expired June 23, 2025. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order. Accordingly, the Court will dismiss the opening Pleading

(Doc. 1) pursuant to Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the rules of civil procedure or court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). Plaintiff must file a new civil rights complaint and motion to proceed *in forma pauperis* if he still seeks to prosecute his claims

IT IS THEREFORE ORDERED that Plaintiff Raul Angel Soto Valencia’s opening Pleading (**Doc. 1**) is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). The Court will enter a separate judgment closing this civil case.

A handwritten signature in black ink, appearing to be 'AMU' followed by a long horizontal stroke.

UNITED STATES DISTRICT JUDGE